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STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
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MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

April 2, 2007

TO: Local and Intermediate School Superintendents, Public School Academy Directors, and Nonpublic School Administrators Participating in Consortia for National School Lunch Program Commodities

FROM: Carol Wolenberg, Deputy Superintendent *CW*

SUBJECT: Update on Lawsuit (Northern Warehousing, Inc. vs. State of Michigan, Department of Education)

The purpose of this message is to provide an update concerning the most recent Temporary Restraining Order (TRO) issued by the Michigan Court of Claims in the matter of Northern Warehousing, Inc., vs. State of Michigan, Department of Education (MDE).

On Friday, March 30, 2007, Judge Draganchuk issued a temporary restraining order requiring MDE to restrain from diverting any United States Department of Agriculture (USDA) surplus food commodities to anyone other than Northern for delivery to the schools in Regions 1 and 3.

The court further ordered that MDE must transfer all commodities at Gordon Food Service and Sysco to Northern at MDE's expense; cease and desist all deliveries to Gordon and Sysco; and require Gordon and Sysco to immediately cease and desist deliveries.

It was further ordered that MDE must, within 24 hours, instruct the school districts in Regions 1 and 3 that they are to obtain their USDA commodities for April 2007 through June 2007 from Northern. This message constitutes MDE's notice to the schools as specified in the Court Order.

The TRO provides that it shall "remain in full force and effect until this Court specifically orders otherwise."

As new information becomes available, the MDE will provide it to school districts.

cc: Jon Tomlanovich, MAISA
Tom White, MSBO

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